
PATERNITY

QUESTIONS MOMS USUALLY ASK
& THEIR ANSWERS



PATERNITY, ESTABLISH IT FOR YOUR CHILD'S SAKE

Published by the
State of Rhode Island and Providence Plantations

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FOR YOUR
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Q. PATERNITY? WHAT IS THAT?

- A. Paternity means fatherhood. Establishing paternity means that an individual has been legally determined to be the father of a child. When the parents are not married, paternity can be established by the mother and father agreeing to sign a Voluntary Affidavit of Paternity. Signing a Voluntary Affidavit of Paternity indicates that both parents want to acknowledge that they are the child's parents.

Q. WHAT IS SO IMPORTANT ABOUT ESTABLISHING PATERNITY?

- A. Establishing Paternity for your child is an extremely important issue especially for the reasons listed below:
- * Your child and his/her father have the right to a father-child relationship. They deserve the opportunity to develop, enjoy and grow in this relationship.
 - * Your child will be entitled to his/her father's benefits such as health insurance, social security, pensions, veterans benefits and child support.
 - * Your child will have the right of inheritance.
 - * Your child will know about his/her medical background.
 - * Your child will have a sense of identity and belonging.

The benefits of paternity establishment are rights to which your child is entitled.

Q. HOW DO I ESTABLISH PATERNITY FOR MY CHILD?

A. IT IS EASY. All you and the father have to do is complete a form called a **VOLUNTARY AFFIDAVIT OF PATERNITY**. A Voluntary Affidavit of Paternity will legally establish your child's paternity. A Voluntary Affidavit of Paternity is usually prepared in the hospital or birthing center when a child is born or after the child's birth, at the Child Support Enforcement Office or by contacting the Department of Health, Division of Vital Records to make an appointment to complete the necessary paperwork. You may also establish paternity through Rhode Island Family Court or by contacting Child Support Enforcement to complete the paperwork necessary to bring your case to Court. If you are a FIP recipient, this service will be provided to you free of charge. If you are not on FIP, you must apply for these services. You also have the option of filing paperwork yourself at Rhode Island Family Court.

Q. WHERE CAN I GET A VOLUNTARY AFFIDAVIT OF PATERNITY?

A. A Voluntary Affidavit of Paternity is available at the hospital, at the Department of Health, Division of Vital Records or at the Child Support Enforcement Office.

Q. WHAT IF I HAVE QUESTIONS ABOUT THE FORM OR ABOUT PATERNITY?

A. If you need assistance in completing the Voluntary Affidavit of Paternity, hospital staff will be available to assist you. They know how to complete the form and can answer any questions you may have regarding paternity. Technical staff assistants or case workers from Child Support Enforcement can also assist you if you have questions about paternity.

Q. I AM NOT 18 YEARS OLD YET, MAY I SIGN THE FORM?

A. Even though you are not 18 years old, as the mother of the child, you may still sign a Voluntary Affidavit of Paternity.

Q. CAN THE FATHER'S NAME GO ON MY CHILD'S BIRTH CERTIFICATE?

A. Yes. The father's name, date of birth and place of birth will go on the child's birth certificate but only if both you and the father sign a Voluntary Affidavit of Paternity or the Court has decided who the father is.

The child's birth certificate is a legal document. It is important to both you and your child that the information is as accurate and complete as possible. The information on the Voluntary Affidavit of Paternity will be used on the child's birth certificate.

Remember, your child's birth certificate will be used throughout his or her life. It is the document most often used to prove the child's full given name, place of birth and date of birth. It also gives information about names and other personal items of identification needed to prove citizenship, to get a passport and to allow someone to inherit when a parent dies. It is also needed for entrance to school, work permit, a driver's license, employment, entrance into the armed services, a marriage license, public assistance benefits, retirement pensions and social security benefits.

Q. WHAT ABOUT MY CHILD'S LAST NAME?

- A. When a Voluntary Affidavit of Paternity is completed, the mother and the father agree on the child's first, middle and last name. If the father does not complete the Voluntary Affidavit of Paternity, you must give the child your last name if you were not married at the time of conception or birth. Remember, if you complete a Voluntary Affidavit of Paternity at a date and time other than the hospital after the birth of the child, the child's last name cannot be changed. You must file a Petition for a name change at Family Court. The Child Support Enforcement Office cannot assist you with a name change.

Q. CAN I SIGN A VOLUNTARY AFFIDAVIT OF PATERNITY LATER?

- A. Yes. You and the child's father can sign a Voluntary Affidavit of Paternity at any time. If you sign a Voluntary Affidavit of Paternity later, a new birth certificate will be prepared for your child that will include the father's information. If you decide to wait, you may make an appointment to complete a Voluntary Affidavit of Paternity at the Department of Health, Division of Vital Records or the staff from the Child Support Enforcement Office. The Family Court Clerk's Office can also help you in completing the necessary forms to establish the paternity of your child.

Q. IF MY CHILD'S FATHER WILL NOT SIGN THE FORM, WILL HE STILL HAVE TO PAY CHILD SUPPORT?

A. Yes. If paternity is not voluntarily established by completing a Voluntary Affidavit of Paternity and FIP is provided to your child at any time by the State, the State will attempt to establish paternity. If the father denies paternity, the State will schedule blood testing. Blood testing can exclude him as the father or show a high probability that he is the father. If blood tests show a high probability of paternity, the Court will determine paternity in a Court order.

If FIP is not being provided to your child, you may go to Court on your own to legally establish paternity, hire a private attorney or you can apply to Child Support Enforcement to establish paternity. If your case goes to Court, the Court can order blood tests for you, the father, and the child to determine if he is the father. Blood testing is highly accurate. If the test determines he is the father, he will, most likely, be ordered by the Court to pay child support and provide health insurance for your child.

Q. DO I NEED TO ESTABLISH PATERNITY NOW IF THE FATHER AND I ARE GETTING ALONG AND HE IS HELPING ME SUPPORT OUR CHILD?

A. Yes. you should establish paternity now. If the father agrees to help support the child now, he may change his mind or become disabled or even die. If he agrees to support your child, there are other benefits such as social security, veterans and insurance benefits for your child that are only available if paternity is established.

Q. DO I HAVE TO TELL WHO THE CHILD'S FATHER IS AND ESTABLISH PATERNITY? WHAT IF I AM NOT SURE WHO THE FATHER IS? WHAT IF I DO NOT WANT ANYTHING TO DO WITH HIM?

A. Yes, you have to name the child's father if you receive FIP from the State. If you are not sure who the father is, Child Support Enforcement can help you. You will be asked questions about the man or men who may be the father and it is required that you give as much correct information as possible. If you refuse to name the father, or refuse to help in the process of establishing paternity without good cause, the amount of FIP you receive may be reduced due to lack of cooperation.

Q. WHAT IF HE DENIES HE IS THE FATHER?

A. Blood tests can be taken to prove paternity. If the father denies paternity and the case goes to Court, the Court can order blood tests for you, the father and the child. Blood tests can also prove that he is not the father. If the father still denies paternity after the blood testing results have not ruled him out, a hearing or trial will determine if he is the father.

Q. WHO PAYS FOR THE BLOOD TESTS?

A. If the father requests the blood tests, the State will pay initially, but the Court may order him to reimburse the State if he is found to be the father. If the Court finds that he is not the father, he will not have to reimburse the State.

Q. HE DOES NOT THINK HE SHOULD BE RESPONSIBLE FOR CHILD SUPPORT. HE THINKS THE PREGNANCY IS MY FAULT. HE TOLD ME I SHOULD HAVE BEEN USING BIRTH CONTROL.

A. Even if the pregnancy was an accident, both the father and the mother are legally responsible for supporting the child. It does not matter whether he agreed to the pregnancy or not.

Q. DO I HAVE TO NAME THE FATHER IF I AM AFRAID HE WILL HURT ME OR MY CHILD?

A. If you want to receive FIP from the State, you will be asked to name the father. If you are afraid that he will cause harm to you or your child, you may be eligible for a good cause finding which may excuse you from pursuing the father. You must tell the eligibility technician that you are afraid he will cause you or your child harm.

Q. WILL HE HAVE TO PAY CHILD SUPPORT IF HE DOES NOT LIVE IN THE SAME STATE AS THE CHILD?

A. Yes. All states have an agreement to collect child support payments from a father who lives in a different state than his child.

Q. I AM GOING TO MARRY SOMEONE ELSE AND HE IS GOING TO ADOPT MY CHILD, SO WHY ESTABLISH PATERNITY?

A. Sometimes plans to marry fall through. The adoption procedure can take a long time and the natural father is entitled to notification. In the meantime, your child is entitled to child support and the other benefits that come with establishing paternity.

Q. MY CHILD'S FATHER IS STILL IN SCHOOL AND DOES NOT HAVE A JOB. WHY SHOULD I ESTABLISH PATERNITY?

A. As a parent, the father has the responsibility to support his child. He is a student now, but someday he will have a job. The Court may require him to get a job so he can contribute to his child's support. It is important to your child that both you and the child's father support him or her.

Q. WHAT IF HE JUST WON'T PAY?

A. If there is a Court order for child support and he does not pay, he is in violation of the law. If you are receiving services from Child Support Enforcement, action can be taken against him. The Child Support Enforcement Agency has a variety of enforcement remedies available including taking state and federal tax refunds, placing administrative liens on personal and real property, reporting to the credit bureau and going to court for civil contempt.

Q. WHY DOES A CHILD NEED TWO LEGAL PARENTS? WHAT IS THE BIG DEAL ABOUT ESTABLISHING PATERNITY?

A. The raising of a child involves a lot of hard work. Having and raising a child is an enormous responsibility! Becoming a mother requires devotion! Children need lots of love and attention. Raising a child takes time and money, but is also very rewarding. Even though you are not married to the father, giving your child the emotional and financial support he/she needs is very significant to the outcome of the child's existence.

OTHER IMPORTANT INFORMATION

ESTABLISHING PATERNITY FOR AN OLDER CHILD:

If you have not yet established paternity for an older brother or sister of your new baby, you and the child's father can sign a Voluntary Affidavit of Paternity at any time for the other child. Remember, it is just as important for older children to have their paternity established as it is for babies.

Hospital staff cannot file a Voluntary Affidavit of Paternity for your older child the way they can for your new baby. You may establish paternity for the older child through Rhode Island Family Court, or contact Child Support Enforcement to complete the paperwork necessary to bring your case to Court. If you are a FIP or Medicaid (MA) recipient, this service will be provided to you free of charge. If you are not on FIP, you must apply for paternity and child support services. You also have the option to file your paperwork yourself at Family Court or to contact the Department of Health, Division of Vital Records.

If one of your children was born in another state, Child Support Enforcement can assist you in establishing paternity.

Call the Division of Taxation, Child Support Enforcement if you have any questions about establishing paternity for your baby or an older child.

LEGAL ADVICE:

The staff of the hospital and Vital Records can give you information, but they cannot give you legal advice. For legal advice, you should consult an Attorney, or contact Child Support Enforcement's Legal Unit at (401) 222-2847 or 1-800 638-5437. The information in this booklet is based on laws in effect in the State of Rhode Island as of August 1, 1997.



FOR MORE INFORMATION, CONTACT:

RHODE ISLAND DEPARTMENT OF ADMINISTRATION
DIVISION OF TAXATION
CHILD SUPPORT ENFORCEMENT LEGAL UNIT
77 DORRANCE STREET
PROVIDENCE, RI 02903
(401) 222-2847
FAX (401) 222-3835

OR

RHODE ISLAND DEPARTMENT OF HEALTH
DIVISION OF VITAL RECORDS
3 CAPITOL HILL, ROOM 101
PROVIDENCE, RI 02908-5097
(401) 222-2812

OR

RHODE ISLAND FAMILY COURT
RECIPROCAL OFFICE
J. JOSEPH GARRAHY COMPLEX
ONE DORRANCE PLAZA
PROVIDENCE, RI 02903
(401) 458-3100